

DRAFT

Blue Ribbon Water Task Force

Minutes

November 19-20, 2003

Albuquerque, NM

Attendees: Brian Burnett, Bill Hume, Eileen Grevey Hillson, Manuel Trujillo, Steve Hernandez, Elmer Salazar, Bob Vocke, Conci Bokum, Barbara Johnson, Elmer Lincoln Jr., Paul Paryski, John D'Antonio, Estevan Lopez, Jack Westman, John Leeper, Tami Rubin, Peter Davies, Frank Chaves, Larry Blair, and Sarah Kotchian attended the BRWTF meeting. Rhea Graham attended as a guest to discuss the draft SWP.

The next meeting of the BRWTF will be December 17-18, 2003 in Santa Fe.

Rhea Graham made the following points relative to the SWP:

- A revised version of the SWP will be available on December 5<sup>th</sup>;
- Internal comments are still being worked;
- Some comments present opposing points of view; and
- NMED comments have not been received.

Task Force members made the following observations relative to the SWP:

- There is the perception that comments are being ignored;
- Acequia water rights should receive more emphasis;
- The Treaty of Guadalupe Hidalgo should be mentioned in the SWP;
- The SWP should focus on sustainable water resources management using a river basin approach;
- Senior water rights must be protected;
- OSE has only administrative authority over water;
- The State must not compromise its legal positions in the SWP;
- Additional emphasis on water quality protection is needed;
- Access to water is a basic human need/right;
- How will RWP public welfare statements be addressed in the SWP;
- The SWP largely reflects the OSE/ISC administrative positions and not SWP public input;
- This version of the SWP is not the final word – there is more work to do;
- It is important to know where there is common ground;
- Significant progress has been made in the water arena during the past 5 years, including the State Legislature;
- The current SWP cannot address all concerns – it is a work in progress;
- The SWP should focus on watersheds;
- The SWP must consider environmental needs;
- The SWP must consider traditional/cultural/spiritual values;
- The SWP must recognize tribal sovereignty;
- This SWP is the baseline to work from – must start somewhere;
- The State does not administer Pueblo water;
- Water is key to economic development in NM;
- The SWP should reflect values such as sustainability and stewardship;
- The federal government must respect (work through) NM water law;
- NM must be able to enforce priority administration – shortage sharing can help;
- Native American claims must be settled;
- Compact compliance is the law;
- A clear vision is needed for active water resource management – it is not just markets;
- The SWP conservation list is not policy;
- Ownership of conserved water is an issue; and
- Education is important.

The next version of the SWP will be made available on December 5<sup>th</sup> – substantial BRWTF member comments should go directly to OSE/ISC by December 10<sup>th</sup>.

The Task Force discussed its upcoming meetings and made the following decisions:

- December (meet in Santa Fe) – attend ISC meeting on the 17<sup>th</sup> and meet on the morning of the 18<sup>th</sup>;
- January (meet in Santa Fe) – 1:00-5:30 on the 28<sup>th</sup> and 7:30-12:00 on the 29<sup>th</sup> (**Note afternoon time change, which will continue for BRWTF monthly meetings.**); and
- February (meet in Albuquerque).

The potential water use fee legislation was discussed by the BRWTF and the following points made:

- Is this part of a funding strategy;
- Would this create a fund like the State Road Fund for water;
- A dedicated fund for water could create problems;
- Funding options for water projects are being considered e.g., severance tax, GO bonds, and gross receipts tax;
- A funding strategy is needed for water projects;
- We are not paying the “real” cost for water now – the value of water is an issue;
- Funding strategies should be a topic of a future BRWTF meeting – this is a serious matter; and
- User fee legislation movement is not likely in the upcoming session;

The Task Force discussed potential domestic well legislation and the following points we made:

- OSE needs the ability to deny domestic wells due to impairment and/or the offset fee;
- There is resistance to legislation giving OSE broad denial authority – CMA rulemaking approach has more support;
- OSE has powers to limit domestic wells;
- The shall issue requirement in the statute is unconstitutional; and
- Full adjudication will require inclusion of domestic wells.

The potential produced water for power plant legislation was discussed by the Task Force and the following observations made:

- Tax credits would encourage use of produced wastewater by piping the water to power plants for cooling purposes;
- There are no jurisdictional issues; and
- A reasonableness analysis is being conducted on the tax credit.

The BRWTF discussed potential water & sanitary district legislation and the following points were made:

- Transferring domestic “rights” to mutual domestics is an issue;
- The Water Trust Board requires mutual domestic to have water rights before funding projects;
- Entities other than mutual domestics are trying to bring domestic water into their systems;
- The bill’s focus is county/mutual domestic service areas;
- Sanitation districts vs. mutual domestics – what are the rules;
- Sanitation districts are political subdivisions – they can tax, force hookup, and place liens against property;
- Mutual domestics can have bylaws to require certain things; and
- Mutual domestics can treat wastewater, which can eliminate septic tank pollution.

The BRWTF discussed salt cedar legislation and the following points were made:

- The relationship between salt cedar removal and increased water yield is not well understood – results are site-specific;
- Leveraging federal funds could have compact delivery obligation implications;
- Additional monitoring (water yield and restoration) is needed;
- Extensive/long-term use of arsenal in waterways to eradicate salt cedar is a concern;

- What are the priorities for funding given ROI uncertainty – what are the criteria – how is science brought into the decision-making; and
- The Water Trust Board has funding criteria.

The BRWF briefly discussed SWP vision/policy and the need to use science and economics in making decisions, including funding.